

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA,)	Criminal Case No. 3:06cr00023-1
)	
)	<u>FINAL ORDER ADOPTING</u>
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
KENNETH N. HARVEY.)	By: Norman K. Moon
)	United States District Judge

Kenneth N. Harvey brings this action under 28 U.S.C. § 2255, alleging that counsel provided ineffective assistance on several grounds. The United States filed a motion to dismiss, and by order entered October 22, 2010, the court referred the matter to United States Magistrate Judge Michael F. Urbanski for proposed findings of fact and recommendations for disposition. The Magistrate Judge filed a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), finding that Harvey's claims were without merit and recommending Harvey's § 2255 motion be dismissed. Harvey filed objections, largely reiterating the arguments made in his pleadings. Having reviewed the Report and Recommendation, the objections thereto, and relevant portions of the record de novo, in accordance with 28 U.S.C. § 636(b)(1), the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Harvey's objections are **OVERRULED**, the Magistrate Judge's Report and Recommendation (docket no. 247) is **ADOPTED** in its entirety, Harvey's § 2255 motion (docket no. 196) is **DISMISSED**, and this case is **STRICKEN** from the active docket of the court.

The Clerk of Court is **DIRECTED** to send copies of this order to the parties.

Entered this 31st day of January, 2011.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE